

REMARKS/ARGUMENTS

Status

Upon entry of the proposed amendment:

Claims 7, 18 (first and second occurrence), 22, 23, 30, 31, 38, 93, 116, 118-120, 129-157 will be cancelled by the present amendment and claims 166-209 have been added. Claims 1-6, 8-17, 19-21, 24-29, 32-36, 78-92, 94-95, 109, 113-115, 117, 121-128, and 158-209 will remain for consideration, including independent claims 1, 15, 28, 78, 80 and 115.

The claims in this application have been revised to voluntarily further clarify Applicant's unique invention. Applicant maintains that the claims as filed were patentable over the art of record. However, to expedite issuance of this application, reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

Allowable Subject Matter, Otherwise Allowable Claims

The Examiner indicated that claims 1-6, 8-14, 80-83, 90 and 113 are allowed. Claims 23, 24, 26, 27, 31-36, 92, 93, 109, 129, 137, 138, 148 and 149 would be allowable if rewritten in independent form including all of the limitations of the base claim and of any intervening claims. The indication of this allowable subject matter is noted with appreciation.

Claim History

The Examiner rejected claims 18, 28-36, 84, 91 and 94 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 28, 29, 78, 79, 85-88, 94 and 95 under 35 U.S.C. § 102 as being anticipated by 800Flowers.com. The Examiner rejected claims 15-20, 22, 25 and 30 under 35 U.S.C. § 103 over 800Flowers.com in view of Kelly. The Examiner rejected claims 88 and 91 and 25 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Dial A. Mattress ("Mattress"). The Examiner rejected claims 84 and 114 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Mattress in view of ESPN.com.

In the previously added claims, the Examiner rejected claims 117-121, 130, 139, 143, 150-165 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 139 under 35 U.S.C. § 102 as being anticipated by 800Flowers.com. The Examiner rejected claims 115, 122, 123, 150-152, 154, 155, 157 under 35 U.S.C. § 103 over 800-FLOWERS.com. The Examiner rejected claims 116, 126-128, 131-134, 136, 140-142, 144, 145, 147 and 158 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Mattress. The Examiner rejected claims 135, 146 and 159-165 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Mattress and ESPN.com. The Examiner rejected claims 153 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Low.

Interview Summary

The Applicant respectfully thanks the Examiner for extending the courtesy of the interview concerning the Application. The Examiner and Applicant discussed the use of narrower limitation "digits" to indicate limitation to the numbers 0-9 in the claims, instead of the term "numeric" which was read as having a broader meaning. No prior art was discussed. No agreement was reached as to the allowability of the claims.

35 U.S.C. §112

The Examiner rejected claims 18, 28-36, 84, 91 and 94 under 35 U.S.C. § 112, second paragraph, as being indefinite. In the previously added claims, the Examiner rejected claims 117-121, 130, 139, 143, 150-165 under 35 U.S.C. § 112, second paragraph, as being indefinite. Amendments made to these claims should obviate the grounds for this rejection.

A mistake in claim number led to two claims with the number 18. These have both been cancelled. Claim 191 replaces claim 18 and now merely refers to "having the same or diverse formats" instead of "types". This should obviate the grounds for rejection.

In claim 28 (and therefore in claims 28-38 and 94 depending therefrom), "telephone address string" has been deleted from the claim.

In claims 84 and 91, the phrase "valid internet address" has been changed to "common address string."

In claim 117, "all of the second level domains of said top level domain" has been changed to "all second level domains of said top level domain".

Claims 130, 139, 143, 150 and 153 have been cancelled.

Claims 158 now depends from claim 115 directly.

35 U.S.C. §102

The Examiner rejected claims 28, 29, 78, 79, 85-88, 94 and 95 under 35 U.S.C. § 102 as being anticipated by 800Flowers.com. In the previously added claims, the Examiner rejected claims 139 under 35 U.S.C. § 102 as being anticipated by 800Flowers.com. Claims 1, 15, 28, 78, 80 and 115 remain as the sole independent claims.

Independent claims 1 and 80, and the claims depending therefrom, were previously allowed and will not be discussed here. Likewise, claim 15 has been combined with claim 23 to form new claim 15 to incorporate the allowable subject matter noted by the Examiner, and will not be discussed further or its dependent claims. Claim 28 has been amended to incorporate the allowable subject matter of claims 30 and 31 and will likewise not be discussed.

Independent claims 78 and 115 have been clarified to recite that the telephone number portion of the address string is a number, i.e., consists of digits from 0 to 9 as discussed with the Examiner in the above interview. In claim 78, the common address string is in the form of "telno""x""tld", where telno is a telephone number consisting of the

digits 0-9, tld is a top level domain, and "x" is an ASCII string which includes the appropriate dot delimiters, if necessary, to form the desired address or valid internet domain name (e.g., Claims 79, etc.). Claim 115 takes this a further step by having a telephone number made only of digits and having a length of at least 7 digits, and wherein the top level domain has more than one telephone number domain registered within the top level domain. The present invention envisions a Domain Name Server (DNS) or a domain substantially dedicated to the purpose of the present invention having a number of telephone number sub-level domains within the dedicated domain.

While the Examiner has stated that it would have been obvious to have a telephone number representation in the form of 800Flowers having 7 digits and instead of just three as an obvious matter of design choice ("the selection of numbers versus letters for the domain name is arbitrary"), the Applicant respectfully traverses this argument. The trade names 800Flowers and MATTRESS are not arbitrary or teaching of using a phone number as a domain name. In each case, a trade mark owner has chosen a telephone number that "spells out" the trade name when the telephone number is converted according to the pattern of a telephone key pad. There would be no reason for a trademark owner to include all of the digits of the phone number (i.e., 7 local numbers or 10 international) with the trademark name, but would use one or the other. A recognizable exchange such as "800" before the trademark represents part of the number as a word, but the more numbers used and the less words, the less value the combined word/number would have as a memory device. Therefore, it is not an arbitrary device using combined numbers and letters in a trade name, but a device for providing a memorable word and negotiating with

the phone company to get a phone number that can be converted into that memorable word. With telephone numbers having 7-10 digits, it would be of little value to have 7 random digits as part of the trademark, and thus not a random, arbitrary decision to use numbers and letters as a mark or phone number representation.

None of the prior art shows a domain name having a telephone number consisting only of digits in the domain name. While the Examiner argues that people are familiar with dialing a number made of numbers ("digits") or the letter equivalent (e.g., 800Flowers), the converse is not true. By spelling out phone numbers into words, companies try to provide phone numbers representations which are easy to remember (e.g., 800Flowers vs 8003569377). However, this would not teach that it be obvious to make a URL of the digit-based phone number (e.g., 8003569377.com) because it would be much more difficult for a user to remember that numeric URL than a text-based URL such as 800Flowers.com. Additionally, the phone number representations cited (800Flowers and Mattress) are also the Trademarks of the companies listed, and thus the companies would have an incentive to use the Trademarks as the URLs, not the underlying digit-based ("numeric") phone numbers. None of the references cited show using a telephone number as a domain name, where the telephone number is made of the digits from 0-9, as this would be counter-intuitive to using a tradename or trademark as the URL or domain name for a website. The purpose of choosing a name is to choose a name that is easy to attract customers to a website and a random numeric sequence would certainly not be as user friendly as a word or trade name. Only by using the number as part of a "lookup" domain name or a reference or forwarding site (as taught by the current invention) would a domain

dedicated to the registration of phone numbers turn a phone number into a useful domain name. Nowhere is this shown or taught in the references. And certainly none show a top level domain that is dedicated to the registration of phone numbers as a substantial design of the top level domain as recited using very terms in the dependent claims. For at least these reason, the claims as proposed should be allowed over the art of record.

35 U.S.C. §103

The Examiner rejected claims 15-20, 22, 25 and 30 under 35 U.S.C. § 103 over 800Flowers.com in view of Kelly. The Examiner rejected claims 88 and 91 and 25 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Dial A. Mattress ("Mattress"). The Examiner rejected claims 84 and 114 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Mattress in view of ESPN.com.

In the previously added claims, the Examiner rejected claims 115, 122, 123, 150-152, 154, 155, 157 under 35 U.S.C. § 103 over 800-FLOWERS.com. The Examiner rejected claims 116, 126-128, 131-134, 136, 140-142, 144, 145, 147 and 158 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Mattress. The Examiner rejected claims 135, 146 and 159-165 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Mattress and ESPN.com. The Examiner rejected claims 153 under 35 U.S.C. § 103 over 800FLOWERS.com in view of Low.

For at least the reasons above, the claims have been amended and should be allowed over the art of record. None of the cited art cures the defect of a showing of a

website having a numeric only (i.e., the digits 0-9) telephone number incorporated into the domain name. As recited above, neither 800Flowers nor MATTRESS teach the use of random digit sequences as a domain name. The fact that these trade names also represent phone numbers does not suggest that a numeric, digit sequence would be useful as a domain name. In fact, both teach away because they suggest easily rememberable word replacements for the harder to remember numbers. Therefore, the claims as proposed should be allowable over the art of record.

New Claims

New claims 166-209 have been added. Each is dependent on an independent claims discussed above and should be allowed for at least the same reason. Claims 166-177 emphasize the dedicated nature of the domain registering the telephone string-named subdomains. Claims 178-185 recite the dedicated nature of the domain (or top level domain) which is formed to register the telephone number string domains. Claim 186-188 and 190 recite the specific nature of the telephone number as a telephone number definable by various international standards. Claim 189 further defines the telephone as including only digits. Claims 191 replaces previous claim 18 which was canceled to avoid confusion in claim numbering. Claims 192-209 further recite the dedicated/restricted/sponsored nature of the top level domain or other domain in which the telephone number string based telephone numbers are registered.

Amendment After Final

The amendments made herein are deemed necessary to properly respond to the outstanding Final Rejection and are intended to reduce the issues and present claims which are felt to clearly define the instant invention over the prior art. Care has been exercised to insure that no new matter has been introduced, nor is it deemed that any new issues been raised. It is felt that no inordinate amount of time will be required on the part of the Examiner to review and consider this amendment.

Issues On Appeal

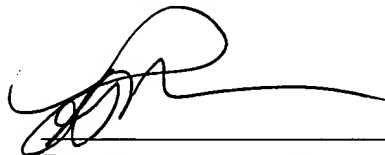
In the event that an appeal is filed, it is requested that this amendment not be entered for purposes of appeal.

Summary

Applicants have made a diligent and bona fide effort to answer each and every ground for rejection or objection to the specification including the claims and to place the application in condition for final disposition. Reconsideration and further examination is respectfully requested, and for the foregoing reasons, Applicant respectfully submits that this application is in condition to be passed to issue and such action is earnestly solicited. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Robert N. Blackmon, Applicants' Attorney at 703-684-5633 to satisfactorily conclude the prosecution of this application.

Dated: December 21, 2004

Respectfully submitted,



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